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Amendment
Attorney Docket No. S63.2B-10429-US01

Remarks

This Amendment is in response to the Office Action dated June 30, 2004. Claims 1-12 are pending in this application. The Office Action rejected claims 1, 2, 4, 6, 7 and 8 under 35 USC § 103 over Blaeser et al. (US 6168617; hereinafter "Blaeser"), and rejected claims 1-12 under 35 USC § 103 over Dorros (US 5720735) in view of Blaeser.

By this Amendment, claims 1 and 3-7 are amended, claims 13-18 are added and claim 8 is cancelled without prejudice or disclaimer. Applicant reserves the right to prosecute all cancelled subject matter in a subsequent patent application claiming priority to the immediate application. Claims 3-6 are amended for clarification purposes to correct a typographical error. No new matter has been added. Support for new claims 13-18 may be found at least in Figures 1 and 2, and in the specification at page 5, line 17-page 7, line 12. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Claim Rejections – Claims 1, 2, 4, 6, 7 and 8

The Office Action rejects, under 35 USC § 103, claims 1, 2, 4, 6, 7 and 8 over Blaeser (US 6168617). Independent claims 1 and 7 have been amended. Claim 8 has been cancelled.

The Office Action admits that Blaeser does not disclose a guide wire, but argues that the use of a guide wire would have been obvious.

Without forming an opinion as to whether the cited combination would have been obvious, Applicant asserts that the Office Action has cited absolutely no motivation to modify Blaeser to use a guide wire that is "movably positioned adjacent to the central shaft", wherein the guide wire passes through an opening in the wall portion of the sheath as recited in independent claim 1. Applicant further asserts that the cited prior art does not disclose or suggest a "wall portion of a retractable sheath having at least one opening, the at least one opening extending from a predetermined position on the retractable sheath to the distal end of the sheath" as recited in independent claim 7.

Therefore, Applicant respectfully submits that independent claims 1 and 7 are not unpatentable under 35 USC § 103 in light of Blaeser. Claims 2, 4 and 6 depend from independent claim 1 and are not unpatentable for at least the reasons discussed with respect to

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independent claim 1. Accordingly, Applicant respectfully requests the withdrawal of the rejections under 35 USC § 103.

Claim Rejections – Claims 1-12

The Office Action rejects, under 35 USC § 103, claims 1-12 over Dorros (US 5720735) in view of Blaeser (US 6168617). Independent claims 1 and 7 have been amended.

Applicant asserts that neither Dorros nor Blaeser disclose or suggest a guide wire that is “movably positioned adjacent to the central shaft”, wherein the guide wire passes through an opening in the wall portion of the sheath as recited in independent claim 1. Applicant further asserts that neither Dorros nor Blaeser disclose or suggest a “wall portion of a retractable sheath having at least one opening, the at least one opening extending from a predetermined position on the retractable sheath to the distal end of the sheath” as recited in independent claim 7.

Therefore, Applicant respectfully submits that independent claims 1 and 7 are not unpatentable under 35 USC § 103 over Dorros in light of Blaeser. Claims 2-6 depend from independent claim 1, and claims 9-12 depend from independent claim 7. The dependent claims are not unpatentable for at least the reasons discussed with respect to independent claims 1 and 7. Accordingly, Applicant respectfully requests the withdrawal of the rejections under 35 USC § 103.

Conclusion

Based on at least the foregoing amendments and remarks, Applicant respectfully submits this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-7 and 9-18 are earnestly solicited.

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Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: September 30, 2004

By: _____

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